

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JOSEPH DOWNING, JR.,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No.: 2:22-cv-02175-CDS-EJY

**Order**

On December 30, 2022, Plaintiff filed a Complaint under 42 U.S.C. § 1983. ECF No. 1-1. Plaintiff did not submit a complete application to proceed *in forma pauperis* (“IFP”) nor did he pay the \$402 filing fee. On January 13, 2023, the Court provided Plaintiff until February 13, 2023, to either pay the \$402 filing fee or file a complete IFP application with all three required documents. ECF No. 2. On January 20, 2023, Plaintiff submitted an incomplete IFP application. Plaintiff fails to include his financial certificate and inmate trust fund account statement for the previous six-month period. ECF No. 3. Even if Plaintiff has not been at High Desert State Prison for a full six-month period, Plaintiff must still submit both a financial certificate and an inmate account statement for the dates he has been at the facility. 28 U.S.C. § 1915(a)(2); Local Rule LSR 1-2.

Accordingly, IT IS HEREBY ORDERED that on or before **March 30, 2023**, Plaintiff must either pay the \$402 filing fee for a civil action or file with the Court: (1) a complete **Application to Proceed in Forma Pauperis for Inmate** on the Court’s approved form; (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

IT IS FURTHER ORDERED that failure to either pay the \$402 filing fee or file a complete application to proceed *in forma pauperis* on or before **March 30, 2023**, will result in a recommendation to dismiss this action **without prejudice**. A dismissal without prejudice allows Plaintiff to file his case with the Court, under a new case number, when he is able to comply with

1 LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay the required filing  
2 fee.

3 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved  
4 form application to proceed *in forma pauperis* for inmate along with the information and  
5 instructions for filing the same.

6 Dated this 28th day of February, 2023.

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8 ELAYNA J. YOUCHAK  
9 UNITED STATES MAGISTRATE JUDGE  
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